

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-6325**

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CLAYTON WESLEY CARLETON,

Petitioner - Appellant,

versus

WILLIE EAGLETON, Warden of Evans Correctional  
Institution; SOUTH CAROLINA DEPARTMENT OF  
CORRECTIONS; HENRY MCMASTER, Attorney General  
of the State of South Carolina,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Florence. Patrick Michael Duffy, District Judge.  
(CA-02-909-4-23)

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Submitted: June 12, 2003

Decided: June 17, 2003

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Before WIDENER, LUTTIG, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Clayton Wesley Carleton, Appellant Pro Se. Derrick K. McFarland,  
Samuel Creighton Waters, OFFICE OF THE ATTORNEY GENERAL OF SOUTH  
CAROLINA, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIUM:

Clayton Wesley Carleton seeks to appeal the district court's order adopting the magistrate judge's report and denying relief on his petition filed under 28 U.S.C. § 2254 (2000). An appeal may not be taken to this court from the final order in a habeas corpus proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). When a district court dismisses a habeas petition solely on procedural grounds, a certificate of appealability will not issue unless the petitioner can demonstrate both "(1) 'that jurists of reason would find it debatable whether the petition states a valid claim of a denial of a constitutional right' and (2) 'that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.'" Rose v. Lee, 252 F.3d 676, 684 (4th Cir.) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)), cert. denied, 534 U.S. 941 (2001). We have independently reviewed the record and conclude that Carleton has not satisfied this standard. See Mitchell-El v. Cockrell, 123 S. Ct. 1029 (2003). Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Carleton's motion for transfer of custody. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid in the decisional process.

DISMISSED